

ABSTRACT

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LEGAL PROTECTION FOR MEDICAL MALPRACTICE VICTIMS (STUDY OF DECISION NO. 462/Pdt/2016/PT.Bdg)

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Keyword: Legal Protection, Malpractice, Victims

Health is one of the mandate from The 1945 Constitution of The State of the Republic of Indonesia and it explained that the State has responsibility to provide health facilities, health services and proper public service facilities. A doctor as health worker has important role and needed because of their medical expertise. Patients tends to follow doctor's instructions for their own health. Malpractice is a case that related to health law and health service. Indonesia already had some regulations that intended to prevent malpractice. This research will discuss about the legal protection for medical malpractice victim according to court decision number 462/Pdt/2016/PT.Bdg. This study uses juridical normative research method with qualitative descriptive analysis. Data collection techniques used was literature study which examine written regulation regarding to medical malpractice. Based on the result of the research, it has been regulated that doctors who commit malpractice must be responsible for their patient. In the court decision number 462/Pdt/2016/PT.Bdg, malpractice was included to the Unlawful Act so that the patients has the right to sue through civil justice. The main concern in this research is about the implementation of patient's protection and doctor's responsibility regulation. In facts from the discussed case, Penal of Judges adjudicated without observing any other jurisprudences and doctrines. Law enforcement must be assertive and fair in judging in order to make the regulations works effectively so the rights of the injured patient could be fulfilled.

References: 44 (1980-2019)